

CITY OF BELLEVUE
BELLEVUE TRANSPORTATION COMMISSION
MINUTES

March 8, 2018
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-113

COMMISSIONERS PRESENT: Commissioners Bishop, Chirls, Lampe, Marciante, Teh, Woosley, Wu

COMMISSIONERS ABSENT: None

STAFF PRESENT: Kevin McDonald, Kristi Oosterveen, Michael Ingram, Eric Miller, Raid Tirhi, Franz Loewenherz, Andreas Piller, Department of Transportation

OTHERS PRESENT: None

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 6:30 p.m. by Chair Bishop who presided.

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Teh, who arrived at 6:34 p.m.

2. APPROVAL OF AGENDA

Chair Bishop asked to have the agenda revised to include under New Business a discussion about the idea of having the transportation department create a data book or space to serve as a single point location for transportation data; a discussion regarding having one or more Commission meeting out in the community when appropriate; and a discussion regarding the legal liabilities of the Commission and individual Commissioners.

A motion to approve the agenda as amended was made by Commissioner Wu. The motion was seconded by Commissioner Woosley and the motion carried unanimously.

3. PUBLIC COMMENT

Mr. Steve Kasner, 1015 145th Place SE, said he serves as a member of the East Bellevue Community Council. He said the TFP matrices provided by staff were very informative but suggested it would be helpful to include in the notes an indication of which neighborhood each project is in. He called attention to TFP-263 and said while he was glad to see it made the list, he was confused as to why the project also showed up on page 6 under the Not Scored section. He also noted that the SE 16th Street walkway/bikeway project is not supported by the local neighborhood given that there is already a beautifully landscaped bike lane on Lake Hills Boulevard; the Commission previously recommended not funding the project, but it still appears in the TFP matrix. The Commission should do a better job of asking the neighborhoods how they want to see things proceed, rather than just listing projects and moving them forward.

Mr. Bob Pishue with the Bellevue Collection, 575 Bellevue Way, called attention to the letter he had previously submitted and which was included in the packet. He voiced concern in regard to the speed at which the bike share program was moving forward. He said there are a lot of moving parts and no real emergency, thus all necessary time should be taken to methodically address all the issues. Good work has been done to date, but there are still questions to be answered about the Land Use Code, helmet requirements and liability on the part of private property owners. There is also a need to address the issue of scaling up the total number of bikes as the companies comply with the redistribution of bikes. There should also be safety metrics addressed, and the frequency the companies should pick up bikes from private properties.

Mr. Stu Vander Hoek, 9 103rd Avenue NE, voiced concern with the fact that delivery vehicles in downtown Bellevue are parking wherever they want and whenever they want without any respect to private property or impact on the transportation system. He said his family has been in Bellevue since 1937 and that he personally has been involved in two Downtown Implementation Plan updates, numerous parking studies, and both transit center location committees over the past 40 years. He said he was not happy with what it takes to get an illegally parked delivery vehicle out of the public right-of-way. At the city's direction, a call must be made to 9-1-1. Committing capacity drive, congestion-reducing vehicle lanes to bike lanes is not the answer. Bellevue's superblock layout means it has one-third as many streets as Portland and half as many streets as Seattle, which means there is no room remaining to provide for bike lanes. Employees and customers need traffic lanes for capacity. Taking capacity lanes away results in an economic impact. The Commission should discuss that along with the issue of delivery vehicles that stop in places that impact the flow of traffic, like in the middle of Bellevue Way and 108th Avenue NE.

Ms. Vicki Clark, East King County policy manager for the Cascade Bicycle Club, said the City Council made a lot of good comments at its last meeting regarding the bikeway demonstration project. The Council recognized that the project is long overdue and that it is time to deliver on the long-term commitment. She said studies show retail sales increase where bike lanes are added. She stated that the Club supports bike share as an efficient and sustainable transportation option. It is a good option for physical activity and offers a way to get more people on bikes. It is not clear why the city has decided to opt for an e-bike only proposal given that the Commission's concern at its last meeting pertained to safety, fleet size and parking. There appears to be no factual data indicating what the consumers want; the survey did not ask specific questions about e-bikes. The pilot program should offer options as a way of finding out what the consumers actually want. The e-bike only approach seems to be the narrowest interpretation of the city's quality goal, which highlights innovation. Dockless bike share is a revolution from the traditional hubbed bike share model and has been in the United States for just over a year. All dockless bike share programs are innovative. The city is calling for equity, but the e-bike only proposal inherently limits users to those who have higher incomes. A 30-minute ride on a dockless bike costs one dollar. The same ride on an e-bike is four dollars, which will price some out of the market and will make taking a bike less price competitive against busing or driving and parking. LimeBike offers a 50 percent fare reduction for low-income persons, but such programs tend to require income verification and puts the burden of proof, which is a barrier to entry, on the very people the transportation system already excludes in various ways.

4. COMMUNICATIONS FROM CITY COUNCIL, COMMUNITY COUNCIL, BOARDS AND COMMISSIONS

Commissioner Woosley said he was present when city staff presented to the Bellevue Chamber

of Commerce an update on the Neighborhood Safety and Congestion levy projects. He said there is a lot of good work being done and there are 50 projects identified for funding, the majority of which will be completed in the first cycle of the levy.

Commissioner Woosley reported that the Wilburton draft environmental impact statement has been released. It considers a couple of different land use options for the Wilburton neighborhood with different intensities of development above what is currently allowed. The report includes an analysis of the impacts on the city's transportation system in terms of level of service and vehicle delay. He said his preliminary analysis shows that Alternative 1, which has the smallest increase in intensity, would keep the city in compliance with the area's adopted level of service. Alternative 2, which would allow building height up to 450 feet in portions of Wilburton, would fail the adopted level of service. It would be worthwhile for the Commission to be informed about the results of the draft environmental impact statement.

Chair Bishop asked if the Commission would be briefed on the work of the Wilburton CAC and the draft environmental impact statement. Principal Transportation Planner Kevin McDonald said the Commission would not be updated regarding the draft environmental impact statement specifically but would be updated on the recommendation of the CAC to the Council. The Council will distribute to the appropriate boards and commissions the responsibility of implementing the recommendations, some of which will come to the Commission.

Commissioner Lampe commented that earlier in the day he watched online a replay of a neighborhood seminar in which the City Manager participated. Reference was made to an online survey that reiterates traffic congestion and mobility as significant issues for Bellevue citizens. The next highest significant issue highlighted by the survey was education.

Commissioner Wu said the land use alternatives was the primary discussion of the Wilburton CAC at its most recent meeting. She said the CAC was tasked with developing a vision for the Wilburton neighborhood, including design guidelines for streets, open space and development character. The draft environmental impact statement includes two alternatives along with a no action alternative. The CAC will meet once more to finalize its recommendation to the Council.

Commissioner Woosley said much of the CAC's final recommendation will focus on land use, but there are also some transportation issues the CAC has been considering. The transportation items will ultimately be brought before the Commission for a recommendation with respect to the Comprehensive Plan, namely the Wilburton subarea plan and the comprehensive transportation project list. If there are projects that come out of the CAC recommendation that would affect the comprehensive project list, the Commission will see it. One project might be the extension of NE 6th Street to 120th Avenue NE. Other projects might be how the Eastside Rail Corridor interfaces with NE 4th Street and NE 8th Street. If the CAC recommends modifying the level of service standard for the Wilburton MMA, the Commission will take up that issue as well in due time. He said the Commission will be kept up to date going forward.

Chair Bishop commented that the maps in the transportation report of the draft environmental impact statement suggest a doubling of downtown Bellevue relative to development. The Wilburton subarea has as much ground area as the whole of the downtown and the proposal includes significant increases in office and retail uses. The area only has one street running north and south, which is 116th Avenue NE.

Commissioner Woosley noted that the city has a number of adopted transportation plans that

have been worked on by the Commission. He said it appeared to him that the recommendation of the Wilburton CAC could radically change some of the projects and asked if their recommendation will automatically change the project descriptions. Mr. McDonald said the CAC will make a recommendation in the form of a final report that will be forwarded to the City Council. The Council will then direct staff and the representative boards and commissions to review the proposed changes to the subarea plan and the Land Use Code needed to implement the recommendation. Any land use changes will be reviewed by the Planning Commission, and any transportation system changes, including amending the level of service for the Wilburton MMA, will be reviewed by the Transportation Commission. The recommendations of the commissions will be sent to the Council, which has the final authority for making any changes. The CAC is charged with articulating a vision and their recommendations will not automatically trigger changes to any plan or project list.

5. STAFF REPORTS

Mr. McDonald informed the Commissioners that an open house for the Bellevue Way HOV lane design was scheduled for April 5 from 5:30 p.m. to 7:30 p.m. at Enatai elementary school.

6. STUDY SESSION

A. 2019-2030 Transportation Facilities Plan (TFP) Update

Senior Transportation Planner Michael Ingram presented the Commission the score rankings of the 38 candidate roadway and intersection projects. He said the evaluation criteria previously approved by the Commission were used to score the projects.

Capital Facilities Planning and Programming Administrator Kristi Oosterveen briefly reviewed the TFP update timeline. She said the results of the staff discussion about prioritization will be brought to the Commission in April. Open house events are scheduled, one at City Hall on March 20 from 5:00 p.m. to 7:00 p.m., one at South Bellevue Community Center on March 22 from 5:00 p.m. to 7:30 p.m., and one at Crossroads mini city hall from 12:30 p.m. to 2:30 p.m. on March 23. At each event, the preliminary project candidate list will be on display.

Ms. Oosterveen apologized for TFP-263 ending up on the list twice. The neighborhood congestion levy will undertake the project so it will be in the TFP but under the levy set-aside. She added that the project related to SE 16th Street is a ped/bike project and thus does not appear on the roadway/intersection/capacity projects list. The project is in the current TFP as part of the Pedestrian and Bicycle Implementation Initiative. The project will in due time be up for discussion.

Answering a question asked by Commissioner Marciante, about accommodating the listing of neighborhood areas, Ms. Oosterveen said the projects are usually delineated by MMA, but a column could be added for the neighborhood area and allow for sorting the list by that parameter.

Chair Bishop said it was his understanding that for plan consistency and outside funding, developer funding is not outside funding. He noted that two or three projects on the list specifically reference being tied to a developer coming along to do a certain thing. Mr. Ingram said that approach is not in the current criteria, but allowed that it could be considered during the next update cycle.

Commissioner Woosley pointed out that there are limitations placed on developer money,

including that it can only be used to maintain LOS with the additional impacts from the development as identified. Historically outside funding has referred to other sources of public revenue. He agreed, however, that potential developer contributions should be recognized, but stressed that it should be listed separate from outside funding sources.

Commissioner Marciante said she wanted to see the process focused on analyzing the projects that are most likely to get funding in the near term, not just those that might get funding at some future time. Current resources should not be allocated to projects that might get funded 20 years out. Resources should be prioritized to mesh with the current development cycle.

Commissioner Woosley asked if there is a process by which a project that comes in for development can be cross-referenced against planned improvements on the list to avoid having a development preclude a planned project. Ms. Oosterveen said that is why projects are included on the list that are not necessarily to be carried out within the plan timeframe. Development reviewers look at all projects in the plans when a development proposal gets submitted.

Mr. Ingram suggested a tweak to the project type description of the NE 6th Street extension project to characterize it as a transit project in addition to a roadway capacity and ped/bike project. The project is identified in the Transit Master Plan as a route for future transit. There was agreement to make that change.

With regard to TFP-242, the Bellevue Way HOV lane project, Chair Bishop noted that the plan consistency and outside funding raw score showed only 40 points, and that under plan consistency the project is listed as having a low priority. Implementation Planning Manager Eric Miller said the project is listed as a local plan, which gives it ten points, but it is not on the Puget Sound Regional Council list and thus it does not gain additional points. Even so, the scoring process ranked the project as number one.

Commissioner Woosley asked what it would take to get the project on the Puget Sound Regional Council list. Mr. Miller said they update their plan every couple of years and the city could propose including the project during their next update. Such a suggestion should be held off, however, until it is known whether or not the city is fully behind the project. The upcoming open house will help to clarify the views of the community regarding the project, which will help to inform future Council actions to move forward with project design and implementation. The project is competitive for outside funding and in fact the city received a federal grant that was turned over to Sound Transit for the southern segment that Sound Transit is constructing up to the park and ride entrance; the city was given credit for those funds in the overall Memorandum of Understanding. There is precedent for outside funding to add HOV capacity on Bellevue Way South.

Commissioner Marciante asked where the funding cut-off line is. Ms. Oosterveen said that will not be known until there is clarification with regard to how much funding will be available. More information about funding will be discussed at the Commission's meeting in April.

Commissioner Wu asked for an explanation of the safety scoring. Raid Tihri with the Traffic Engineering Group used as an example TFP-242, Bellevue Way HOV lane. He noted that safety raw score was 100. The project scored high on the strength of a high demand and a high benefit based on level of service during the evening peak during which traffic backs up from I-90 to the Y intersection. The resulting LOS F triggers a safety issue according to the research. Allowing traffic to flow by adding an HOV lane will reduce congestion and reduce the queue at the Y intersection, thus improving safety.

Calling attention to TFP-222, Bellevue Way at NE 4th Street, Chair Bishop said it is a developer project that is intended to handle capacity issues. The project seeks to add a southbound to westbound right-turn lane, which is clearly related to the Kemper Development Company redevelopment of the whole corner. He noted that the project received a transit raw score of 92 points and asked where that came from. Mr. Ingram said it comes from the fact that the intersection improvement is identified in the Transit Master Plan and from the volume of transit service, both currently and expected in the future.

Mr. Ingram drew attention to TFP-246, 150th Avenue SE between SE 38th Street and Newport Way, and suggested the level of service score should be higher. He said staff would review the data and make an adjustment if necessary.

Mr. Ingram said CTPL-22, I-90 at Lakemont Boulevard, came up at the Commission meeting in February. The project description included a couple of outdated elements so that has been cleaned up in the project description.

Chair Bishop pointed out that the issue and responsibility lies with the Washington State Department of Transportation. Mr. Ingram agreed but noted that the city has identified the need and scoped out the benefits, and is now in a position to make a case to WSDOT. Chair Bishop said he was happy to see the project but was reluctant to spend city money on an interstate off-ramp project.

Commissioner Lampe referenced the NE 6th Street subsurface arterial project and noted that the project got only a raw score of 10 relative to level of service. He said he assumed the project would primarily serve to relieve congestion on NE 4th Street and NE 8th Street, which would seem to argue in favor of a higher level of service score. Mr. Ingram said focus was given to parallel routes given that the roadway does not currently exist and as such has no current LOS score. The modeling staff looked at what would connect the subsurface arterial. The only assumption that can reasonably be made is that it would connect to Bellevue Square and Lincoln Square. There are other buildings already in place and there is no indication they have an interest in connecting into a new tunnel, and there are no new buildings in the pipeline for properties adjacent to the tunnel. There is the potential for multiple underground parking garages. The tunnel will attract only limited volumes of traffic, a little from NE 4th Street and a little bit from NE 8th Street, and accordingly was scored as not being overly impactful.

Commissioner Woosley argued that the subsurface arterial would essentially be a new east-west street. It is hard to predict when things will develop, but the arterial would serve the densest part of the downtown, including properties that will in time redevelop. The project scoring seems to underestimate the potential impact on level of service.

Chair Bishop said the same is true in regard to the transit score. The subsurface arterial could serve as a major expansion of the transit center. Mr. Ingram said the transit score was based on the somewhat improved traffic flow on NE 8th Street that could result from the subsurface arterial. No transit use of the tunnel per se was assumed given that there is no current short-, medium- or long-range plan to address a subsurface transit station.

Commissioner Woosley called attention to the NE 6th Street extension project and noted that there is a plan to have a half-diamond interchange at I-405 serving the south end of the downtown and Wilburton. He suggested it should be broken into two separate projects, one extending NE 2nd Street across as part of a Wilburton connections project, and the potential benefit of having the half diamond at Main Street. It is possible NE 2nd Street could get built

before the Main Street overpass is torn down to maintain connectivity, and by locating the half diamond at Main Street the city could save a lot of money and not have to take out some key businesses in the city. Mr. Ingram pointed out that the NE 2nd Street access project is not currently funded in WSDOT's plans for improvements along I-405. Neither is there the prospect of funding in the near or medium term. WSDOT has looked at options for what it originally envisioned as a crossing with a half diamond, which is proving to be extraordinarily costly. The options considered to date have not involved a crossing of I-405 at NE 2nd Street and connecting with 116th Avenue NE. WSDOT has looked at ramps at NE 2nd Street, the Main Street option, and building a parallel access onto southbound I-405 from 116th Avenue NE. Everything is still in play except for the half diamond at NE 2nd Street. He said he understood that the Main Street bridge to be built will be compatible with the idea of having northbound and southbound access.

Chair Bishop said the current WSDOT project between Bellevue and Renton will involve taking down and rebuilding the entire Main Street overpass. WSDOT is considering doing half of the structure at a time to maintain traffic flow, as was done on NE 12th Street, and they are out on the street asking for design/build contractors who will have their own bright ideas. He said he would like to stimulate the bright idea that a low-cost, two-lane with sidewalk NE 2nd Street overcrossing could be built ahead of tearing down the Main Street overpass, thus saving money possibly sufficient to pay for the NE 2nd Street crossing.

Commissioner Woosley said there is precedent for WSDOT to mitigate the loss of connectivity in the way NE 4th Street was torn out and rebuilt. The northbound ramp coming off of I-405 to the Lake Hills Connector/116th Avenue SE intersection was actually built ahead of tearing down NE 4th Street to maintain access on the east side of the freeway. The opportunity exists to minimize the impact to Bellevue and gain a key overpass while saving money in the process.

Commissioner Marciante agreed the idea should be communicated to WSDOT. She asked if the city has the right to ask WSDOT to analyze the option. Mr. Ingram said he did not know and pointed out that the I-405 design process has been going on for about a year and a half.

Chair Bishop said WSDOT was at the 30 percent design stage and thus knows which bridges will need to be rebuilt and how many lanes will be needed. Commissioner Marciante said at that stage it would not be too late to do a cost analysis for a new idea.

Commissioner Woosley said one additional benefit of having a NE 2nd Street overpass would be that it would provide a good ped/bike connection from the Eastside Rail Corridor to the downtown.

Chair Bishop said it was his recollection that the Commission a couple of years ago discussed removing from the list project TFP-194, the last gravel road in the city. Ms. Oosterveen said it has never been removed from the list. City maintenance staff certainly want to see the project moved forward. One option for funding it would be to form an LID.

B. Citywide Bike Share Pilot Program

Principal Transportation Planner Franz Loewenherz noted that the bike share pilot program was last before the Commission on January 25 where the pilot permit goals were discussed. He added that four Commissioners recently participated in a workshop setting to continue the discussion of the bike share pilot permit strategies.

Mr. Loewenherz sought from the Commission endorsement of the pilot permit framework, and

authorization for one Commissioner to present the endorsement to the Council on March 19. He explained that because the Commission is asked to simply endorse the program, no transmittal memo would be drafted and the Council will simply be given a briefing.

Transportation Planner Andreas Piller briefly reviewed the history of bike share in Bellevue running back to October 2008 when the Commission approved a Comprehensive Plan amendment recommendation that included language references bike share. He noted that in February 2009 the Council adopted the Pedestrian/Bicycle Plan that includes a policy that references exploring bike share as a transportation option. The Council initiated the Pedestrian and Bicycle Implementation Initiative in February 2015, and in April of that same year the Commission approved the Pedestrian and Bicycle Implementation Initiative scope of work, which includes as Task 6 conducting an assessment of and developing an implementation strategy for bike share. Two policies were included in the 2015 Comprehensive Plan update that refined the prior language relative to exploring bike share and that speak to facilitating implementation of bike share. A March 2017 Council study session included an update on the Pedestrian and Bicycle Implementation Initiative generally, and in September of 2017 the Eastside Bike Share Vendor Fair was co-hosted by Redmond, Kirkland, Issaquah and King County Metro. The results from an online questionnaire were shared with the Commission in November 2017, and then in January 2018 the Commission discussed the goals for the bike share pilot permit goals.

With regard to regional bike share efforts, Mr. Piller noted that the non-profit Puget Sound Bike Share was formed in July 2012; the organization founded Pronto that was eventually launched in Seattle in October 2014. In July 2015 the state allocated \$5.5 million to expand that system to Eastside communities, including Bellevue. The city of Seattle ultimately purchased the Pronto system in March 2016, and in March 2017 the service ceased operations; it was replaced in July 2017 with a permit-based approach wherein the city of Seattle allows private companies to operate bike share programs. In January 2018 the city of Bothell issued a business license to one of the same companies that is currently operating in Seattle, and currently both Redmond and Kirkland are looking at moving forward with their own permit-based approaches that could see private companies operating bike share as early as May 2018.

The key messages evoked by the Commission in January in relative to the bike share permit program included maintaining a uniquely Bellevue approach; focusing on innovation; starting small with a focus on locations where the demand will be the greatest; minimizing clutter; protecting private property; addressing safety concerns, including helmet use; and ensuring cost recovery.

Mr. Piller said the Bellevue Downtown Association endorsed supporting permitted bike share in Bellevue provided bike share is safe, impacts are mitigated, permitting fees are reinvested in ped/bike facilities, a pilot period is implemented with a limited fleet size for a limited duration, and that processes to monitor and resolve issues are put in place along with penalties for non-compliance.

Mr. Piller said the proposed pilot permit strategies were to have electric-assist bikes only; to launch with a modest fleet size; to have a citywide service with targeted distribution by geographic area; to have bike share hubs; to have defined “No Parking” areas; and to allow for system growth based on operator compliance.

The Commissioners were told that the motivation behind having e-bikes only was to make bike share accessible to a wider variety of users, including those who may not be inclined or physically able to ride up some of Bellevue’s steep hills. The approach would provide for

consistency in the service offering; riders would know that they would always find the same kind of bikes. The approach would align Bellevue with where the industry appears to be going.

Chair Bishop said it was noted at the workshop that no other city in the nation is e-bike only and he asked if that is still the case. Mr. Piller said staff was not currently aware of any system nationwide that are e-bike only, but by the time a system comes online in Bellevue at least one such system is anticipated to be in place in Sacramento-Davis.

Mr. Piller said the city would not be establishing any requirements for what the bike share companies should charge. It is ultimately the prerogative of each company to determine the appropriate price point for their service. There are a lot of different pricing models in place across the country, including memberships and pay per trip. One vendor currently operating in Seattle charges based on the amount of time an e-bike is used, and a vendor operating nationally simply charges twice as much for an e-bike as for a typical dockless bike. Bellevue has a goal and associated strategies that speak to equity and companies would be asked to provide a plan for addressing equity as part of their permit application, including how to address unbanked populations, those without credit cards, and those without a smart phone.

Commissioner Chirls suggested that affordability is a legitimate issue. He said the Commission should consider that in terms of a pilot program the city will learn a few things. The e-bike revolution is just starting, not only in bike share but also in purchased bikes. At the bike share expo, the price point for e-bikes relative to the normal dollar-a-ride bike price was two dollars, not four dollars which one of the bike share companies mentioned in its letter to the Commission. As with any technology, price can be expected to decrease over time. The advantages of an e-bike only program in terms of uniformity and expectation on the part of consumers, as well as Bellevue's topography issues, more than outweigh the concerns about pricing.

Commissioner Marciante said she was very attracted to the e-bike only concept. She said it would give Bellevue the innovation point that is being sought. While equity concerns are valid, the top concern is that there may be an opportunity missed to learn what the consumers would prefer by going with e-bikes only. The consistency issue is valid as well. She proposed including a small number of regular bikes in the mix to allow for gathering data on both types of bikes. If that might prove to be confusing for the consumers, consideration should be given to phasing in regular bikes four months into the pilot project. If e-bikes get used at much higher rates, it will be clear that the public prefer them and that cost is not an issue; if regular bikes are the preferred option, that will also be an important data point to ponder.

Commissioner Teh concurred. With regard to the e-bikes, he asked what infrastructure would be required to charge them. He also pointed out that those using e-bikes tend to ride a lot faster, which might be an issue relative to safety, particularly if the bikes are ridden on sidewalks and paths. Mr. Piller said the operational issues surrounding how e-bikes are charged would be left to the operators to determine and put in place. Some operators have banks of batteries they keep charged and send out maintenance personnel to replace them on bikes, without utilizing a central hub or station. The approach is admittedly labor intensive. Commissioner Teh pointed out that e-bikes are very heavy and difficult to pedal without the aid of a battery. With regard to the issue of safety, Mr. Piller said under the proposal only Class I e-bikes would be permitted. Class I bikes only provide power when the rider is pedaling, and under legislation awaiting the Governor's signature, their speed would be limited to 20 miles per hour. One e-bike operator in Seattle has chosen to limit the speed of their bikes to 14 miles per hour. There are no state restrictions on where e-bikes can be ridden; other types of electric bikes that have just a throttle and no pedals are not allowed on sidewalks.

Commissioner Wu supported the proposal of Commissioner Marciante to phase in regular bikes. E-bikes are for all the reasons stated a good approach, but riders should be given some opportunity to make a different choice if for no other reason than to add to the body of data.

Commissioner Woosley agreed with the proposal of staff to run the pilot program with e-bikes only. E-bikes only would assure consistency and predictability, and they are likely to attract more people. From a safety standpoint, a rider going uphill on a regular bike are more focused on the effort they are putting into the ride, whereas someone on an e-bike who is not having to work as hard is more apt to focus more on their surroundings. If regular bikes are allowed as part of the pilot, they should be added in when the initial rollout of e-bikes is increased. Ride share is intended to meet a transportation need and the city needs to set some standards by which the need can be met. Making sure there is an adequate supply of ride share bikes at different locations makes sense.

Commissioner Chirls agreed with Commissioner Woosley that ae-bike rider may be focused less on effort and more on their surroundings. The annual Chilly Hilly ride on Bainbridge Island involves a number of hills, and many of the beginner cyclists who participate stop in the middle of a hill, triggering accidents. A non-electric bike weighing over 40 pounds are not easy to pedal up even a moderate hill, and anyone who stops on a hill will cause problems for other cyclists as well as for automobiles. He agreed that as more bikes are added during the pilot, regular bikes should be included to allow for choice, but the initial offering should all be of the same type.

Mr. Piller said the modest fleet size at launch assumes 400 bikes. The intent is to ensure the system can be managed to a high degree from the start. The 400 figure is an estimate based on best practice densities; over time, the system could support up to 1200 bikes based on best practices for docked system. At launch, the total number of bikes would be split among the total number of permitted operators.

Commissioner Wu asked if the limit of 400 bikes is sufficient to entice operators to Bellevue. Mr. Piller said any answer he gave would be speculative. It is difficult to know if a general statement of interest by an operator would be carried through once an operator learns it will only be allowed a limited number of bikes based on the number of other operators. The fewer bikes an operator is allowed, and the more competition there is, the less likely it will be for operators from outside the region will be drawn to Bellevue, at least initially. The Seattle pilot allowed 500 bikes per operator, and they had three operators who were not specifically directed at any given geography by the permit terms.

Commissioner Marciante noted her support for the 400 number but said she would be willing to allow staff some flexibility.

Mr. Piller said the primary areas in which the bikes should be distributed are activity centers. As proposed, 300 of the 400 bikes would distributed in the downtown and in Bel-Red, Crossroads, Eastgate, Factoria and the Wilburton/Hospital area. A secondary area of interest will be the Frequent Transit Network and the idea is to distribute 40 bikes within a quarter mile of stops in that network. The remaining bikes would be free to roam the city, including the relatively low-density areas, to facilitate first/last mile connections. A community engagement process would be used to locate ideal areas where bike share hubs could be located. The focus would be on low-cost installations utilizing a context-sensitive template with a design that could potentially include bike racks in some locations. Any such hub would have to be depicted in the operator's mobile application so people can know where they are, ensuring

reliable availability. Ideally the operators would use incentives for riders to use the hubs.

Any No Parking area would be established by geofencing that is depicted on the mobile application. Users are given a warning prior to ending a trip, and the permit would require the users to pay a penalty for parking in a No Parking area. Additionally, the operator will need to be notified immediately about any bike left in a No Parking area.

Commissioner Woosley agreed with the concept but suggested any penalty should be charged to the operator rather than the user, leaving the operator to determine how to sort things out with their customers. The city's relationship should be with the operators rather than with the users. Commissioner Marciante concurred but noted that some users could simply opt to pay the fee. Where that occurs, there should be other consequences, such as not being allowed to get another bike.

Commissioner Chirls cautioned about getting too far into the weeds. He noted that when renting a car there are financial incentives that favor returning the vehicle to the same place rather than a different place. It should be left up to the staff and the operators to determine what the incentives and disincentives should be. Commissioner Marciante agreed but stressed the need to make sure incentives and disincentives are in the mix for consideration.

Mr. Piller said under the proposal, growth would be compliance based. Operators not able to comply with the terms would receive warnings followed by fleet size reductions rather than increases depending on the severity of their infractions. Those who are able to comply will be able to grow their fleet so long as they continue complying. Regardless of the number of operators, for the one-year pilot period the maximum number of bicycles would be capped at 1200.

Commissioner Woosley noted that compliance simply means abiding by all city regulations. He said he would like to see increasing the fleet also tied to market utilization of the bicycles. He said his concern was that there would be an oversaturation of the market resulting from operators putting too many bikes on the street in an attempt to compete. Mr. Piller said that could be looked into. He added that in the past the number of riders per bike per day has been the metric for measuring success. When a public entity spends money on a system, the efficiency of the number of bikes is a critical measure, but when the city is not spending its money on a system, the efficiency of the bikes is less important than the overall utilization. An oversaturation of bikes relative to the use should be avoided, but ultimately it will be the operators who lose money when bikes sit unused. There is as yet no standard or goal to strive for in terms of the right number of rides per bike per day.

Commissioner Wu commented that the car rental business has been around for many years and everyone knows how it operates and what to expect. The bike rental business is new and there is a need to cultivate a positive picture and avoid negative issues.

A motion to extend the meeting by 20 minutes was made by Commissioner Woosley. The motion was seconded by Commissioner Marciante and the motion carried unanimously.

Commissioner Marciante stated that where the number of bikes is increased, access to them increases, and that increases the opportunity of people using them. The city should not care if a bike is used only once a day but should care about having a bike available to a person when they need it. It will be up to the operators to decide how to get their bikes ridden more often. It will be important to understand utilization of the bikes in the system, but utilization should not be a criteria.

Mr. Piller said under the proposal compliance would be assessed based on reallocation of a percentage of the fleet to activity centers and bike share hubs to ensure usable service where the demand is expected to be the highest. Having hubs will help to ensure the sidewalk environments and the public realm in general will remain uncluttered and will mean bikes will be in locations where people can expect to find them.

Commissioner Marciante voiced concern about making assumptions regarding where people will need the bikes to be. It is not actually known where people will need the bikes and at what time. The car2go app for Seattle essentially looks like a breathing heart that expands every night and zooms into the center every morning. That is because people take the cars out to residential areas in the evening and grab one in the morning and bring it back to the center. If bikes are rebalanced every night back to the activity centers, there will be few bikes available for people where they need them when they need them. She said she would prefer to see the program require a low rebalancing requirement on the order of five to ten percent from the start to see how the system operates. Where adjustments to the rebalancing percentage are needed, they can be made based on system needs. The operators are going to want to do that anyway because they want to have their bikes where they will be used most often.

Commissioner Wu asked how the 50 percent rebalancing figure was derived. Mr. Piller said it came about as an effort to strike a balance between managing clutter and recognizing that in a dockless system people will be free to park the bikes anywhere. The concept of painted area hubs was inspired by a model in place in Singapore.

Commissioner Woosley suggested that the redistribution proposal offered by staff was reasonable. He reminded the Commissioners that one reason Pronto failed in Seattle was that people would ride the bikes downhill but not uphill, thus the bikes were only available one way. The e-bike approach certainly addresses that issue, as does the rebalancing requirement.

Commissioner Wu suggested allowing staff some flexibility to figure out the right number with the operators.

Mr. Piller pointed out that as hubs are added in residential areas, they will become the designated spots where bikes can be found, and it will be less necessary to rebalance bikes to other locations. That is not, however, something that will be accomplished by the time the system launches.

Mr. Piller commented that because safety is a concern, there are a number of different approaches that can be utilized, including widely showing safe bicycling practices videos, updating the publication "Keep It Neighborly," and requiring operators to notify users of the local helmet law and promoting helmet use. Operators are required to have those signing up to use a bike affirm that they are aware of the helmet law and that they possess a helmet. The city could also require operators to remind riders when they start a trip about the helmet law. Operators would be required to have an indemnity agreement to keep the city from being liable in the case a rider is injured. The police would hold riders on system bikes to the same standards as all bike riders in the city.

Commissioner Teh noted that bike share programs to some extent encourage impromptu biking. In such cases, riders will be less likely to have a helmet with them, so it would make sense for the operators to provide helmets as is done in Vancouver.

Commissioner Woosley suggested that the cost of police enforcement should somehow be

recovered through the agreement with the operators. With regard to safety, he pointed out that the owners of private property adjacent to a sidewalk are required to maintain the sidewalk, even though it is public right-of-way. There is a question of liability should someone leave a bike on either the sidewalk or on private property, creating a safety hazard for someone to trip over. Another question to be answered prior to implementation of the program is whether or not property owners are allowed to tow bicycles away just as they can cars that are parked on their properties.

Mr. Piller said there are elements of cost that would need to be recovered through the program, including the permit application and review, data collection and analysis, implementation of bike share hubs and administrative oversight.

Chair Bishop said he remained concerned about the use of helmets. Inevitably there will be the impromptu rider who wants to go to lunch but does not have a helmet. He asked if staff has had discussions with police about enforcement issues, and if staff have considered recovery of enforcement costs. Mr. Piller said in conversations with the police staff learned that three citations were issued in 2017 for helmet violations along with numerous warnings. Their general approach is education and encouragement.

Commissioner Woosley suggested there is a difference between a person riding their own private bicycles and the city specifically authorizing a bike rental operation where there is a known challenge involving the use of helmets. The risk of liability on the part of the city and the individual who are party to approving the program will increase. He said he wanted to see clarification with regard to indemnifying individuals and the city.

Commissioner Lampe said it was his understanding that the state had allocated \$5.5 million to address bike share programs and asked how much of that total Bellevue will receive. Mr. Piller said the funds have not been specifically divvied up. King County Metro is awaiting word from the state on whether their proposed scope changes will be approved. The funds were originally allocated when the station-based model was the presumed approach. The discussion has moved from the public sector purchasing or contracting for the services to just facilitating the services. Bellevue can expect to receive some of the funds.

A motion to extend the meeting by 15 minutes was made by Commissioner Woosley. The motion was seconded by Commissioner Marciante and the motion carried unanimously.

Mr. Piller reiterated that the city will require operators to sign an indemnity agreement that will hold the city harmless, including all officers, officials, employees, contractors and agents. That would include all Commissioners. Should the city be named in a lawsuit involving a bike share bicycle, the city would tender defense of the case to the bike share company. In the instance of a case involving some deficiency in street maintenance, it would be no different from any rider using the streets. Bike share operators would be required to have insurance to address any claims.

Mr. Piller noted that the timeline called for the Commission endorsement the framework, including the goals and strategies, in March. He said the intent is to have permits available for operators to apply for in April to accommodate a launch in May, which is Bike Everywhere month. Staff will be before the Commission again in September with an initial status update. The final evaluation and staff recommendation to the Commission would occur in February before going in March to the Council for direction regarding the next steps on bike share in the city.

On the question of what authority the transportation department has to permit bike share, Mr. Piller said the authority exists in the Right-of-Way Use Code under which the Director can impose conditions as reasonably necessary to protect the public, health, welfare and safety. Bike share is not dissimilar to other right-of-way Type D uses, which are long-term uses of the right-of-way that do not disturb use of the right-of-way.

Mr. Piller clarified that the right-of-way use permit does not authorize the use of private property. The permit applies only to public rights-of-way and any private property agreements would need to be entered into separately.

Commissioner Woosley commented that bike share is consistent with a long-time city goal and with city policy. He said the staff had done a very good job of crafting a proposal for how to operate a bike share program. He said his concern is with the process for moving forward. The proposal is essentially to consider allowing a new type of business to be permitted to operate throughout the entire city. He said in his land use experience he has never seen a new use that did not require a Land Use Code amendment, and a process by which the new use is shown as permitted in the code. Bike share is not just a business that will operate on private property, it will also operate on public rights-of-way. He suggested going through the process of adding bike rentals to the list of potential businesses in the Land Use Code and to go through the proper process to show the use as allowed in the various zoning districts. The right-of-way use permit is typically used for temporary things like a weekend street fair closure or construction for a limited duration. Giving special treatment for a single type of business is inconsistent with longstanding city processes.

Commissioner Marciante pointed out that the Transportation Commission is not charged with dealing with land use issues. Raising the issue separately with the Council would be valid, but the Commission should move on with the task at hand.

Commissioner Woosley argued that the land use issue is in fact the task at hand. The Commission is the de facto legislative body charged with making a decision with regard to bike share. The fundamental question should be answered and the Council should be asked to weigh in on it.

Councilmember Lee agreed with Commissioner Marciante. He said the Commission has had outlined for it all the pros and cons and it should make a decision based on those issues. The land use issue is separate. If the Commission concludes the land use issue should be discussed by the Council, the Council could discuss them along with considering the endorsement made by the Commission.

A motion to extend the meeting by 15 minutes was made by Commissioner Lampe. The motion was seconded by Commissioner Woosley and the motion carried unanimously.

Commissioner Chirls commented that it was appropriate for Commissioner Woosley to express any concern that relates to the proposed bike share program or any other transportation issue before the Commission. He suggested that asking a Councilmember to express an opinion during the Commission discussion was outside the bounds of the Commission's mandate. By expressing the concern, it has become a part of the minutes and has become a part of the public record.

A motion to endorse the staff-proposed permitting framework as presented was made by Commissioner Chirls. The motion was seconded by Commissioner Wu.

Commissioner Marciante asked to amend the motion to incorporate the comments and discussion of the Commission.

Commissioner Chirls said the concerns that have been expressed should be presented to the City Council as a minority opinion. He said if amending his motion would achieve that, he would oblige having the motion amended, provided the concerns are expressed as a minority opinion and an acknowledgment of the conversation.

Commissioner Wu commented that the end goal is to address the issues that had been raised. She suggested allowing for flexibility in the number of bikes. Commissioner Marciante said the endorsement does not include specific numbers, just the strategies.

Commissioner Chirls said his motion was centered on the framework. The numbers of bikes as well as any incentives and disincentives are details to be addressed by the staff as the pilot proceeds.

Commissioner Lampe suggested that some legal review of the issue raised by Commissioner Woosley would be in order. Mr. Loewenherz said staff was fully aware of the issue given that it was raised by the Bellevue Collection, in emails from former Councilmember Wallace, and at the workshop. He said the messaging was incorporated in the staff presentation relative to the authority granted under the right-of-way use permit. Staff also checked in with the city's land use attorneys as to whether or not bike share as a use rises to the level requiring a Land Use Code amendment and their answer was a definitive no. Their conclusion was that the transportation department director is fully vested with the right to offer a permit in the proposed context.

Commissioner Woosley voiced concern with setting precedent. He said he was not aware of any other new land use that has not had to go through the process of being added to the Land Use Code. The result could be that in the future a director will be allowed to add a preferential business type to be added.

Commissioner Wu said she would like to hear more from the city attorney about the concern. Commissioner Marciante pointed out that the opinion of the city attorney had been expressed by the staff. The concern has been noted and included in the minutes.

Commissioner Chirls pointed out that the statement of Councilmember Lee was that the Commission is free to raise the issue with the Council. Beyond that it will be up to the Council to decide what direction to take. It is not within the Commission's purview to make the decision or to take the issue any further. He asked the chair to call for a vote on the motion.

Chair Bishop said his concerns with the proposal are related to the wearing of helmets and to timing. He said his concern relative to helmets is tied to the Vision Zero ordinance, which is all about safety and which establishes the city's interests in traffic, pedestrian and bicycle safety. Vision Zero is all about safety. City code requires bicycle riders to wear helmets. Under the proposal, any person who agrees to rent a bicycle will need to affirm that the person who will be riding the bicycle possess a helmet, which is not the same as actually wearing a helmet. The vendors will not be required to provide helmets. He said it felt to him that endorsing the program will be tantamount to giving a wink and a nod to the city's helmet law.

With regard to timing, Chair Bishop said the experience of the city of Seattle with Pronto was a failure. The city taxpayers lost money on the venture. In July Seattle began a new demonstration project that was intended to produce data for evaluation as to who uses the

bikes, where they use them and how they use them, but eight months in not a whit of the data is yet available. Bellevue should not jump into a new experiment using only e-bikes, something that has not been done by any other city, absent any data on which to base the proposal. The data from Seattle, once it is available, will be very applicable to Bellevue.

Commissioner Woosley commented that there remain issues relative to neighborhood outreach on how the program should be approached, as well as the questions about the operation of the bicycles on private property. Those issues will need to be addressed prior to implementation.

The motion to carried 4-3, with Commissioners Teh, Marciante, Chirls and Wu voting yes, and Chair Bishop and Commissioners Woosley and Lampe voting no.

7. DRAFT MINUTES REVIEW/APPROVAL

- A. January 25, 2018
- B. February 8, 2018

A motion to approve both sets of minutes as submitted was made by Commissioner Lampe. The motion was seconded by Commissioner Marciante and the motion carried unanimously.

8. UNFINISHED BUSINESS – None

9. NEW BUSINESS

Chair Bishop said he was willing to postpone the new business items until the next Commission meeting.

10. PUBLIC COMMENT – None

11. COMMISSION CALENDAR

Mr. McDonald noted that there would be two Commission meetings during the month of April.

12. ADJOURN

Chair Bishop adjourned the meeting at 9:56 p.m.

Secretary to the Transportation Commission

Date

Chairperson of the Transportation Commission

Date